

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MANUEL PAREJO,

Petitioner,

v.

SCOTT FRAKES,

Respondent.

CASE NO. 10-cv-05764 RBL JRC

ORDER DENYING WITHOUT
PREJUDICE PETITIONER'S
MOTION TO AMEND PETITION
AND BRIEFING SCHEDULE

This 28 U.S.C. § 2254 action has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges Rules MJR 1, MJR 3, and MJR 4.

Following reversal and remand to this Court by the United States Court of Appeals for the Ninth Circuit (ECF No. 34), petitioner filed a motion to amend his petition, but did not include a copy of his proposed amended petition (ECF No. 36). Plaintiff claims that petitioner's original petition was "not a model of clarity" and that he should be permitted to amend "clarify the issues" now that he is represented by counsel (ECF No. 36, page 2). Defendants argue,

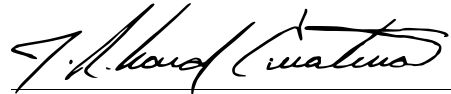
1 among other things, that by not stating how he wishes to amend the petition, petitioner is
2 requesting a “carte blanche approval” to amend the petition without limitation (*See* ECF No. 40,
3 page 3). This Court agrees.

4 While Fed. R. Civ. P. 15 provides, in part, that a civil litigant should be allowed to
5 amend, with the court’s leave, “when justice so requires,” it is impossible to know if petitioner’s
6 counsel will be able to meet this standard unless the Court is provided with a proposed amended
7 petition.

8 Therefore, petitioner’s motion to amend is denied, without prejudice. In order to
9 facilitate the resolution of this matter, petitioner shall submit a proposed amended petition and
10 any additional memorandum in support of the proposed amended petition no later than March
11 22, 2013. Respondent shall file any memorandum in opposition to the proposed amended
12 petition no later than April 3, 2013. Petitioner shall file a reply, if any, no later than April 5,
13 2013.

14 The Clerk is requested to note this matter on the Court’s calendar on Friday, April 5,
15 2013.

16 Dated this 5th day of March, 2013.

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19 J. Richard Creatura
20 United States Magistrate Judge
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